

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSICA DARA LEE ANN
GEORGE, TA'CARA SHEANA GEORGE,
TUESDAY JACQUELINE GEORGE, TAMARA
GLORIA JONES-GEORGE, TIKEYA MARVENE
MERCEDES JONES-GEORGE, and TEE'ANNIA
EVETTE JONES-GEORGE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACEY EVETTE GEORGE,

Respondent-Appellant,

and

JOHN BENJAMIN, DARREN COLE, and
ERNEST JONES,

Respondents.

UNPUBLISHED

September 14, 2004

No. 252359

Wayne Circuit Court

Family Division

LC No. 01-401127

Before: Donofrio, P.J. and White and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). Because the trial court did not clearly err in finding clear and convincing evidence for termination of parental rights, and termination was not clearly contrary to the children's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The lower court's findings of fact indicate that it relied only upon subsections 19b(3)(c)(i), (g), and (j) for termination of respondent-appellant's parental rights. Subsections (a)(ii) and (k)(i) were not applicable because

respondent-appellant never abandoned the children and sought their custody throughout this proceeding, and the trial court applied subsection 19b(3)(h) only to John Benjamin.

Respondent-appellant's cocaine addiction and consequent homelessness caused the children to become temporary court wards. The evidence clearly showed that during the two-year course of this proceeding respondent-appellant did not overcome her fourteen-year addiction to cocaine or obtain housing suitable for return of the children. Respondent-appellant completed a drug treatment program in January 2002, but subsequent drug screens showed that she still used cocaine and did not successfully engage in aftercare treatment. A week prior to commencement of the termination proceeding respondent-appellant entered into an intensive drug treatment program that would also result in employment and housing upon successful completion. The estimated time for completion was six months to a year. But given respondent-appellant's prior history of not completing drug treatment programs, completing drug treatment programs with subsequent relapse, and her lack of progress during the past two years, the trial court did not clearly err in determining that there was no reasonable expectation that respondent-appellant would permanently overcome her drug addiction within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were ages seven to fourteen at the time of termination. Tuesday had been placed with her father, and the other five children were in three different foster homes. There was a strong parent-child bond, but no reasonable likelihood that the children would be reunited as a family unit with respondent-appellant. Termination would dissolve the family unit, and there was no guarantee that the siblings would maintain contact with one another. The foster parents all expressed a desire to adopt the children they cared for. The children remained loyal to respondent-appellant and preferred to return to her, but Jessica and Ta'Cara were discouraged by respondent-appellant's lack of progress, and the four oldest children exhibited destructive behavior after visiting with respondent-appellant because of their separation issues.

In light of the fact that there was no reasonable expectation that the family unit would be reunited within a reasonable time, and the evidence that the children needed stability and permanence to help alleviate their separation issues, the trial court did not err in finding that the evidence did not show that termination of respondent-appellant's parental rights was clearly against the children's best interests.

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot